

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

HARDEE’S FOOD SYSTEMS, INC.,)	
)	
)	
Plaintiff,)	
)	
v.)	Case No. C.A. No. 4:09 – cv – 00664
)	
JEFFREY T. HALLBECK, et al.)	
)	
)	
Defendants.)	
_____)	

**DEFENDANTS’ MOTION TO DISMISS PLAINTIFF’S COMPLAINT OR,
IN THE ALTERNATIVE, TO TRANSFER VENUE**

Defendants Jeffrey T. Hallbeck, Dianne S. Hallbeck, Scott R. Hallbeck, Robin Hallbeck, Carolyn Hallbeck (“Defendants”), by and through their undersigned attorneys, and pursuant to Federal Rule of Civil Procedure 12(b)(3), hereby move this Court to dismiss Plaintiff’s Complaint for improper venue. In the alternative, Defendants move this Court for an order transferring this case to the United States District Court for the Northern District of Illinois, pursuant to 28 U.S.C. § 1404(a). The grounds upon which this Motion is based are more fully set forth in the Memorandum in Support of Defendants’ Motion to Dismiss Plaintiff’s Complaint Or, in the Alternative, to Transfer Venue, which is filed herewith and incorporated by reference herein.

WHEREFORE, Defendants Jeffrey T. Hallbeck, Dianne S. Hallbeck, Scott R. Hallbeck, Robin Hallbeck, Carolyn Hallbeck respectfully request that this Honorable Court enter an Order granting Defendants’ Motion to Dismiss and dismissing Plaintiffs’ Complaint or, in the

alternative, enter an order granting Defendants' Motion to Transfer Venue, together with such other and further relief as this Court deems just and proper.

Dated: June 11, 2009

Respectfully submitted,

GREENSFELDER, HEMKER, & GALE, P.C.

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Pro Hac Vice Application Pending

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CERTIFICATE OF SERVICE

I hereby certify that on June 11, 2009, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which sent notification of such filing to the following:

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